

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS EUGENE GRAY
Plaintiff,
v.
WARDEN, et al.,
Defendant

Case No. 1:23-cv-01297 JLT GSA (PC)

ORDER DECLINING THE FINDINGS AND
RECOMMENDATIONS AND REFERRING
TO THE MAGISTRATE JUDGE FOR
SCREENING

(Doc. 10)

Thomas Eugene Gray seeks to hold the defendants liable for violations of his civil rights while housed at California State Prison- Corcoran. (Doc. 1 at 1.) Plaintiff filed his complaint on August 30, 2023, after which he filed a notice of chance of address indicating that he is now housed at Mule Creek State Prison. On March 7, 2025, because the matter was pending screening for an extended period, the magistrate judge ordered Plaintiff “to file a “Notice of Current Address” within seven days. (Doc. 7.) The U.S. Postal Service did not return the Court’s mail. On April 23, 2025, the magistrate judge issued a second order, noting that the Court “discovered that Plaintiff’s address has changed since he filed his complaint” and directing Plaintiff to file a notice of change of address. (Doc. 8 at 2-3.) Again, the Postal Service did not return the Court’s mail, for either service to the original Mule Creek address or CSP- Los Angeles County, where the magistrate judge believed Plaintiff to be currently housed. Plaintiff did not respond to either of the Court’s orders.

1 The magistrate judge found Plaintiff failed to comply with the Court's orders to file a
2 "Notice of Current Address" and subsequent order to file a "Notice of Change of Address."
3 (Doc. 10 at 1-3.) Therefore, the magistrate judge recommended the action be dismissed for
4 failure to comply with the Court's orders and failure to prosecute under Local Rule 183(b), which
5 requires *pro se* litigants to keep the Court informed of a current mailing address. (*Id.* at 6.) The
6 Court served Plaintiff at the Mule Creek address on record, as well as the California Correctional
7 Institute- Tehachapi—where Plaintiff was transferred to following at an unidentified time—and
8 informed Plaintiff that any objections were due within 14 days. (*Id.* at 7.) Plaintiff did not
9 respond to the Court's order.

10 Significantly, a plaintiff has an obligation to notify the Court of a change of address, but
11 he does not have any legal obligation to provide the Court with periodic confirmation of his
12 *current* address, even when a matter has been pending without any Court action for an extended
13 period due to the ongoing judicial emergency in this District. From the record, it is unclear
14 whether Plaintiff experienced only brief housing reassessments—such as transfers for purposes of
15 court appearances—or whether such housing reassessments are more permanent, such that a
16 notice of change of address is necessary. Indeed, to date, the U.S. Postal Service has not returned
17 *any* of the Court's mail served to the Mule Creek address, which suggests that mailing address
18 remains current and is not inactive for Plaintiff. Accordingly, the Court is unable to find that
19 Plaintiff was, in fact, obligated to file a "Notice of Change of Address" under Local Rule 183(b).
20 Towards this end, the Court declines to adopt recommendation for dismissal. Thus, the Court

21 **ORDERS:**

22 1. The Findings and Recommendations issued July 11, 2025 (Doc. 10) are

23 **DECLINED.**

24 2. The matter is **REFERRED** to the magistrate judge for screening of the complaint
25 pursuant to 28 U.S.C. § 1915A(a).

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3. The Court **SHALL** serve this order upon Plaintiff at the address on record for Mule Creek State Prison, as well as the address previously served for CCI-Tehachapi.

IT IS SO ORDERED.

Dated: August 3, 2025

Jennifer L. Thurston
UNITED STATES DISTRICT JUDGE